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The Mason and Slidell Case.

LETTERS OF THE ENGLISH MINISTER AND SECRETARY SEWARD.

Below will be found the correspondence be tween the British Minister and Secretary Seward from which it may be inferred that the difficulty between this country and England are amicably settled:-

EARL RUSSELL TO LORD LYONS.

FOREIGN OFFICE, Nov. 30, 1861. The Lord Lyons, K. C. B., &c., &c., &c.

My Lord-Intelligence of a very grave nature has reached Her Maiesty's Government: This intelligence was conveyed officially to the knowledge of the Admiralty by Commander Williams, agent for mails on board the contract

steamer Trent. It appears from the letter of Commander Williams, dated "Royal Mail Contract Packet I rent, at Sea, November 9," that the Trent left shortly after noon on the 8th a steamer having the appearance of a man of-war, but not show-

approaching her slowly the American vessel dis-charged a shell across the bows of the Trent, ex-ploding half a cable's length ahead. The Trent, then stopped, and an officer with a large armed guard of marines boarded her. The officer de-manded a list of the passengers; and, compli-ance with this demand being refueed, the offi-cer said he had orders to arrest Messrs. Mason, Slidell, Macfarland and Eustis, and that he had sure information of their being passengers in of the Treat chouse proceed on coald the ban Jacinto, but he said he would not go unless forcibly compelled likewise, and this demand

was not insisted upon. been forcibly taken from on board a British vessel, the ship of a neutral Power, while such ves-sel was pursuing a lawful and innocent voyage-British flag and a violation of international law.

Her Majesty's Government, bearing in mind a signal, the friendly relations which have long subsisted So also between Great Britain and the United States, are willing to believe that the United States, naval officer who committed the aggression was not acting in compliance with any authority from his Government, or that if he conceived himself to be so authorized, he greatly misun-derstood the instructions which he had receiv-



"INDEPENDENT IN ALLHINGS-NEUTRAL IN NONE."

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HARRISBURG, PA., MODA AFTERNOON, DECEMBER 30, 1861.

sel, the ship of a neutral power, while that vessel was pursuing a lawful and innocent voyage, an act of violence which was an affront to the British flag and a violation of interna-tional law tional law. Earl Russell next says that Her Majesty's

Government, bearing in mind the friendly re-lations which have long existed between Great Britain and the United States, are willing to believe that the naval officer who committed this aggression was not acting in compliance with any authority from his Government, or that, if he conceived himself to be so anthorized, he greatly misunderstood the instructions which he had received.

Earl Russell argues that the United States must be fully aware that the British Government could not allow such an affront to the national honor to pass without an anout to the ma-tional honor to pass without full reparation, and they are willing to believe that it could not be the deliberate intention of the Govern-ment of the United States unnecessarily to force into discussion between the two Govern-ments a question of so grave a character, and with regard to which the whole British nation would be sure to entertain such unanimity of feeling.

Havana on the 7th instant, with her Majesty's Earl Russell, resting upon the statement and mails for England, having on board numerous the argument which I have thus recited, closes passengers. Commannder Williams states that with saying that Her Majesty's Government trusts that when this matter shall have been brought under the consideration of the United ing colors, was observed a head. On nearing States it will, of its own accord, offer to the her at 1.15 P. M. she fired a round shot from British Government such redress as alone could her pivot gun across the bows of the Trent, and satisfy the British nation, namely, the liberation showed American colors. While the Trent was approaching her slowly the American vessel dis-their delivery to your Lordship, in order that

The British Government has rightly conjecthe Trent. While some parley was going on upon this matter Mr. Slidell stepped forward and told the American officer that the four per-soils he had baned were then standing before him. The Commander of the Trent and Com-instruction, or even foreknowledge of it on the mander Williams protested against the act of taking by force out of the Trent these four pas-ben given to him or any other naval officer, to sengers then under the protection of the Breit the four par-ting the trent these four pas-the under the protection of the Breit the four part of this Government. No directions had been given to him or any other naval officer, to sengers, then under the protection of the Brit-ish flag. But the San Jacinto was at that time on the Trent, or on any other British vessel, or only two hundred yards from the Trent, her on any other neutral vessel, at the place where ship's company at quarters, her ports open, and is occurred or elsewhere. The British Govern-tompions out. Resistance was therefore out of ment will justly infer from these facts that the the question, and the four gentlemen before named were forcibly taken out of the ship. A further demand was made that the Commander anestion and was provided to the British nation.

It is true that a round shot was fired by the San Jacinto from her pivot gun when the Trent was distantly approaching. But, as the facts was not insisted upon. It thus appears that certain individuals have was distantly approaching. But, as the facts een forcibly taken from on board a British ves have been reported to this Government, the al, the ship of a neutral Power, while such ves shot was nevertheless intentionally fired in a direction so obviously divergent from the an act of violence which was an affront to the course of the Trent as to be quite as harmless British flag and a violation of international law.

So also we learn that the Trent was not ap proaching the San Jacinto slowly when the

derstood the instructions which he had receiv-ed. For the Government of the United States Trent with a large armed guard, but he left his

British Government, was undertakets a ple, legal and customary beligerentloceed by Capt. Wilkes to arrest and captur, neul vessel engaged in carrying contrabai of p for the use and benefit of the insurgel

The question before us is whether his ceeding was authorized by and condead cording to the law of nations. It invices following inquires : 1st. Were the persons named and leir

2d Might Capt. Wilkes lawfully op a search the Trent for these contraban perso and despatches? 3d. Did he exercise the right in elawf

against the alleged contraband men. proper manner? board and in presumed possession of theonth reach in those courts a decision which will have band despatches, had he a right to capte to the moral weight of a judicial one by a circuil-persons? 4th. Having found the contraband peons persons f 5th. Did he exercise that right of capire it together with the suspected vessel, into port, the manner allowed and recognized by to la and try there the question whether the vessel of nations ? If all these inquiries shall be resolved a the proving the suspected men, to be contraband.

on from an enemy all his resources, and to hin Moreover, when the judgment of the prize court der him from sending ministers to solicit assis-tance. And Sir William Scott says you may sel is rendered, it really concludes nothing, and stop the ambassador of your enemy on his pas-binds neither the belligerent State nor the neu-sage. Dispatches are not less clearly contra-tation upon the great question of the disposition band, and the searers or couriers who under-take to carry them fall under the same con-take to disposition is still to be really determined, demnation. it at all, by diplomatic arrangement or by war. demnation. One may well express his surprise when told

ministers of an usurping power, but recognized that the law of nations has furnished no more as legal by either the belligerent or the neutral, reasonable matical, and perfect mode than could be held to be contraband. But the true port between sovereign powers. The regret we A subtlety might be raised whether pretended Sir William Scott, provide the spirit of the law. who were arrested and detained as contraband, says

' It appears to me on principle to be but reasonable that when it is of a state persons shall be sent to the enemy that such persons shall be sent out on the public service at the public expense, it should afford equal ground of forfeiture against the vessel that may be let out for a purpose so intimately connected with the hos-tile operations." sonable that when it is of sufficient importance to the enemy that such persons shall be sent

tain Wilkes, and their despatches, were contra band of war.

The second inquiry is, whether Capt. Wilkes no other form than the illogical and circuitous had a right by the law of uations to detain and one thus described exists, nor has any other yet search the Trent?

inished or abandoned. Whether the United States have a right to retain the chief public benefits of it, namely the custody of the cap-tured persons on proving them, to be contra-band, will depend upon the preliminary ques-tion whether the leaving of the transaction un-finished was necessary, or whether it was un-necessary and therefore voluntary. If it was but he said he would not go unless forcibly compelled likewise, and this demand was not insisted upon. Upon this statement Earl Russel remarks that it thus appears that certain individuals have sel, the ship of a neutral power, while that vessel was pursuing a lawful and innocent voyage a part of blows in the the state of the persons before used an output of the persons of the persons before used an output of the persons of the persons before used an output of the persons of the persons before used an output of the persons of the persons of the persons before used an output of the persons of the p had knowledge of the assumed ractend purposes of the persons before med, en they emtarked on that vessel. Your lordship will now percet that a may justico is pledged to his surrender if he is really flagrant act of violence on the pa of the Wilkes, as might well be inferred in the complement statement of it that we up the British Government, was undertakes a t-welfare. safety, honor and empire. They re-Wilkes, which would be a fault on their own

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side. Capt. Wilkes has presented to this Govern-ment his reasons for releasing the Trent. "I forbore to seize her," he says, "in consequence "of my being so reduced in officers and crew, and the derangement it would cause innocent persons, there being a large number of passen gers who would have been put to great loss and inconvenience, as well as disappointment, from the interruptionit "would have caused them in not being able to join the steamer from St. no one to try claims concerning contraband persons. The courts can entertain no proceednot being able to join the steamer hom 55 Thomas to Europe." I therefore concluded to 'sacrifice the interests of my officers and crew in the prize, and suffered her to proceed after the ings and render no judgment in favor of or

detention necessary to effect the transfer of those Commissioners, considering I had obtain-ed the important end I had in view, and which "affected the interests of our country and inter-"rupted the action of that of the Confederates."

 anrmative the British Government will have a solution of the contraband.
and the court must then determine the vessel digitation.
and the court must then determine the vessel a legal ext the action of the contraband.
and the court must then determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution of the court on the determine the vessel a legal ext the solution the vessel a legal ext the vessel a legal ext the solution the vessel a leg fice even of the chief and public object of his erimment could not duly the part upon its merits. capture--namely, the right of his Government, presented to us in this respect upon its merits, to the custody and disposition of the captured. We are asked to do to the Britich nation just persons. This government cannot censure him the this aversight. It confesses that the whole to do to us. may feel on the occasion is nevertheless modi-altogether anomalous. Similar and equal devictions on the point in question are the result of deliberate examination and deduction now made, and not of any impressions previously ficiencies are found in every system of munici-pal law, especially in the system which exists in the greater portions of Great Britain and the med.

tormed. Nevertheless, the question now is, not whether Capt. Wilkes is justified to his govern-ment in what he did, but what is the present view of the government as to the effect of what be here done. Assuming, now for argument's he has done. Assuming new, for argument's well, as the comparative unimportance of the sake only, that the release of the Trent, if vol-untary, involved a waiver of the claim of the government to hold the captured persons, the untary base only in that case have no hesital. Nor am I unaware that American cliizens tion in seving that the art which has they all are not in any case to he unnecessarily surrent tion in saying that the set which has thus al- are not in any case to be unnecessarily surren-

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same reparation that we as an independent

American cause, not upon British anthorities, but upon principles that constitute a large por-tion of 'the dissinctive policy by which the United States have developed the resources of a continent, and thus becoming a considerable maritime power, and won the respect and con-fidence of many nations. These principles were laid down for us in 1804, by James Madison, when Secretary of State in the administration of Thomas Jefferson, in instructions (given to James Monroe, our Minister to England. Al-James Monroe, our Minister to Engla though the case before him concerned a descripd though the case before him concerned a descrip-nin ion of persons different from those who are in-nicidentally the subjects of the present discussion, the ground assumed then was the same I now occupy, and the arguments by which he sus-n tained himself upon it have been an inspiration to me in preparing this reply. "Whenever," he says, "property found in a neutral vessel is supposed to be liable on .aty. ground to capture or condemnation, the rule in all cases is, that the question shall not be deci-ded by the captor, but be carried before a legal tribunal, where a regular trial may be had, and

upon mingled, and conflicting motives. He some-times measured the sacrifices which this decision would cost. It manifestly, however, did not occur to him that beyond the sacrifice of the sacrifice. If I maintain those principles and private interests (as he calls them) of his officers and crew, there might also possibly be a succi-fice even of the chief and public object of his capture--namely, the right of his Government presented to us in this respect upon its merits. presented to us in this respect upon its merits. We are asked to do to the British nation just

ment, since its first organization, has never used

ment, since its first organization, has not stated more guarded language in a similar case. In coming to my conclusion I have not for-gotten that, if the safety of this Union required the detention of the captured persons, it would be the right and duty of this Government to detain them. But the effectual check and waiting proportions of the existing insurrection, as

tain Wilkes, and their despatches, were contra-band of war. The second inquiry is, whether Capt. Wilkes had a right by the law of uations to detain and search the Trent? The Trent, though she carried mails, was a contract or merchant vessels—a common carrier for hire. Maritime lawknows only three classes of vessels. The Trent falls within the late-cord bard of some form of judicial process in de-termining the characters of contraband persons, no other form than the illogical and circuitous earch the Trent. though she carried mails, was a contract or merchant vessels. The Trent falls within the latethe Trent as involuntary, or whether we are obliged to consider that it was voluntary.— Clearly the release would have been involuntary. In ow before us. These cases occurred when now before us. These cases occurred when now before us. These cases occurred when assigned for it by Capt. Wilkes, namely, a want of a sufficient force to send the prize vessel into port for adjudication. It is not the duty of a captor to hazard his own vessel in order to se-cure a judicial examination to the captured par-ty. No large prize crew, however, is legally cure a judicial examination to the captured par-ty. No large prize crew, however, is legally our own claims to the character of a just and necessary, for it is the duty of the captured magnanimous people if we should so far consent party to acquiesce and go willingly before the tribunal to whose jurisdiction it appeals. If the captured party indicate purposes to employ against what national consistency and the na-means of resistance which the cantor cannot tional conscience compel us to recard as a claim the captured party indicate purposes to employ against what national consistency and the na-means of resistance which the captor cannot tional conscience compel us to regard as a claim with probable safety to himself overcome, he intrinsically right. Putting behind me all suggestions of this may properly leave the vessel to go forward ; kind, I prefer to express my satisfaction that, by the adjustment of the present case upon and neither she nor the State she represents can ever afterwards justly object that the capture deprived her of the judicial remedy to which principles contestedly American, and yet, as I trust, mutually satisfactory to both of the na-But the second reason assigned by Captain tions concerned, a question is finally and rightly Wilkes for releasing the Trent differs from the settled between them, which, heretofore ex-first. At best, therefore; it must be held that hausting not only all forms of peaceful discus-Capt. Wilkes, as he explains himself, acted from combined sentiments of prudence and generosity, and so that the release of the prize fears and apprehensions all other nations. vessel was not strictly necessary or involun-The four persons in question are now held in military custody at Fort Warren, in the State Secondly. How ought we to expect these explauations by Capt. Wilkes of his reasons for leaving the capture incomplete to affect the actime and place for receiving them. I avail myself of this occasion to offer your The observation upon this point which first Lordship a renewed assurance of fny very high consideration. WILLIAM H. SEWARD. occurs is, that Capt. Wilke's explanations were

welfare, safety, honor and empire. They re-quire a tribunal and a trial. The captors and the captured are equals; the neutral and the belligerent State are equals. While the law authorities were found silent While the law authorities were tound shert it was suggested at an early day by this Govern-ment that you should take the captured persons into a convenient port and institute judicial proceedings there to try the controversy. But only courts of admirality have jurisdiction in maritime crease and these courts have formulas maritime cases, and these courts have formulas to try only claims to contraband chattels, but

It was replied all this is true; but you can

such unanimity of feeling.

such unanimity of learning. Her Majesty's Government, therefore, trust that when this matter shall have been brought under the consideration of the Government of the United States that Government will, of its own accord, offer to the British Government such redress as alone could satisfy the British such rearess as alone could satisfy the British nation, namely, the liberation of the four gen-tlemen and their delivery to your. Lordship, in order that they may again be placed under British protection, and a suitable apology for the aggression which has been committed.

should these terms not be offered by Mr Seward you will propose them to him. You are at liberty to read this dispatch to the Secretary of State, and, if he shall desire it, you will give him a copy of it. RUSSELL I am, &c.,

MR. SEWARD TO LORD LYONS.

DEPARTMENT OF STATE, WASHINGTON, Dec. 26, 1861.

The Right Honorable Lord Lyons, &c., &c., &c.: My Lord-Earl Russell's despatch of November the 30th, a copy of which you have left with me at my request, is of the following effect,

a letter of Commander Williams, dated That a letter of Commander williams, dated for Farls in 1940, namely, that the neutral or Royal Mail Contract Packet boat Trent, at sea, November 9th, states that that vessel left Havana on the 7th of November, with Her Havana on the 7th of November, when her the contraband of war are not liable to capture un-Havana on the 7th of November, with Her Majesty's mails for England, having on board numerous passengers. Shortly after noon, on the 8th of November, the United States war steamer San Jacinto, Captain Wilkes, not show-ing colors, was observed ahead. That steamer, on being neared by the Trent, at one o'clock of the numerous in the afternoon, fired a round of the November is the afternoon fired a round on being neared by the Trent, at one o'clock of the numerous in the afternoon, fired a round of the November is the afternoon fired a round on being neared by the Trent, at one o'clock of the numerous in the afternoon fired a round of the numerous in the afternoon fired a round of the numerous in the afternoon fired a round of the numerous in the afternoon fired a round of the numerous in the afternoon fired a round of the steamerous in the numerous in the afternoon fired a round of the numerous in the afternoon fired a round of the steamerous in the numerous in the afternoon fired a round of the steamerous in the afternoon fired a round is internet the steamerous in the afternoon fired a round is internet the steamerous in the afternoon fired a round is internet the steamerous in the afternoon fired a round is internet the steamerous in the afternoon fired a round is internet the steamerous internet the ste t should proceed on the second prove (Le s

must be fully aware that the British Govern- marines in his boat when he entered the Trent. tional honor to pass without full reparation, and Her Majesty's Government are unwilling to believe that it could be the deliberate intention of the Government of the United States unnecessarily to force into discussion be to believe that it could be the deliberate intention of the Government of the United States unnecessarily to force into discussion, be-tween the two Governments, a question of so grave a character, and with regard to which the whole British nation would be sure to entertain such unavailing

tance would be unavailing. So, also, we are informed that the Captain of the Trent was not at any time or in any way required to go on board the San Jacinto. These modifications of the case as presented by Commander Williams are based upon our official reports.

ometal reports. I have now to remind your Lordship of some facts which doubtlessly were omitted by Earl Russell, with the very proper and becoming motive of allowing them to be brought into the case, on the part of the United States, in the way most satisfactory to this. Government.

These facts are that at the time the transaction occurred an insurrection was existing in the United States which this Government was engaged in suppressing by the employment of land and naval forces; that in regard to this domestic strife the United States considered Great Britain as a friendly Power, while sh had assumed for herself the attitude of a neutral; and that Spain was considered in the same light, and had assumed the same attitude

It had been settled by correspondence that as Great Britain. the United States and Great Britain mutually recognized as applicable to this local strife these two articles of the declaration by the Congress of Paris in 1846, namely, that the neutral or friendly flog should cover an unit of the configuration

titteen minutes in the alternoon, meu a round shot from a pivot gun across her bows, and showed American colors. While the Trent was approaching slowly towards the San Jacinto she discharged a shell across the Trent's bows. Lonisiana It was well known at Kenner and residents of Lonisiana It was well known at Kenner and the shell across the trent's bows. approaching slowly towards the ball actions and residents of the states and residents of discharged. a shell across the Trent's bows, Louisiana. It was well known at Havana when discharged a such across the floate bone, housedand. Is was not anown at havana when which exploded at half a cable's length before these parties embarked in the Trent that James which exploded at nail a caple s length before these parties chroatact in the frent that annes her. The Trent then stopped, and an officer M. Mason was proceeding to England in the af-fected character of a Minister Plenipotentiary to with a large armed guard of marines boarded her. The frent then stopped, and all onder marines boarded fetted character of a Minister Plenipotentiary to fetted character of a Minister Plenipotentiary to the officer said he had orders to arrest the Court of St. James, under a pretended com-mission from Jefferson Davis, who had assumed measure, mason, onuch, matching and mason, mission non concision Davis, who had assumed and had sure information that they were pas- to be President of the insurrectionary party in and had sure information that they were pas-to be President of the insurrectionary party in-the United States, and E. J. Macfarland was go-ing with him in a like unreal character of Sec-retary of Legation to the pretended mission...-John Slidell, in similar circumstances, wasgoing forward and said to the American oncer that iterary iterary in similar circumstances, wasgoing John Slidell, in similar circumstances, wasgoing John Slidell, in similar circumstances, wasgoing the four persons he had named were standing before him. The Commander of the Trent and Commander Williams protested against the act Commander Williams protested against the Trent, Secretary of Legation for that simulated mission. Commander Williams protected against int at Secretary of Legation for that simulated mission. of taking those four passengers out of the Trent, The fact that these persons had assumed such they then being under the protection of the british flag. But the San Jacinto was at this characters has been since avowed by the same British flag. British flag. But the sam operation was at this characters has been since avowed by the same time only two hundred yards distant, hership's Jefferson Davis in a pretended message to an unlawful and insurrectionary Congress. It was we think, rightly presumed that these Ministers

of vessels—vessels of war, revenue vessels, and merchant vessels The Trent falls within the lat-ter class. Whatever disputes have existed concerning a right of visitation or search in time of peace, none, it is supposed, has existed in modern times about the right of a belligerent in time of war to capture contrabands in neutral and even friendly merchant vessels, and of the right of visitation and search, in order to determine whether they are neutral, and are documented as such according to the law of nations.

I assume, in the present case, what, as I read British authorities, is regarded by Great Britain herself as true maritime law; that the circumstance that the Trent was proceeding from a neutral port to another neutral port does not modify the right of the beligerent captor.

The third question is whether Capt. Wilkes exercised the right of search in a lawful and roper manner?

If any doubt hung over this point, as the case was presented in the statement of it adopt-ed by the British Government, I think it must have already passed away before the modifica tions of that statement which I have already submitted.

I proceed to the fourth inquiry, namely

Having found the suspected contraband of war on board the Trent, had Capt. Wilkes a right o capture the same?

Such a capture is the chief, if not the only recognized object of a visitation and search.-The principle of the law is that a belligerent the summary one of leaving the decision with exposed to danger may prevent the contraband the captor, and relying upon diplomatic deperson and things from applying themselves of being applied to the hostile uses or purposes de-signed. The law is so very liberal in this resigned. pect that when the contraband is found on and desolations. Nor is it ever to be forgotten have approved and taken the release, upon the spect that when the contraband is found on board a neutral vessel, not only is the contra-band forfeited, but the vessel, which is the ve-hicle of its passage or transportation, being tainted, also becomes contraband, and is subjected to capture and confiscation.

Only the fith question remains, namely : Did Captain Wilkes exercise the right of capturing the contraband in conformity with the aw of nations?

It is just here that the difficulties of the case begin. What is the manner which the law of begin. nations prescribes for disposing of the contraband when you have found and seized it on captured persons and to dispose of them, if they board of the neutral vessel? The answer would be easily found if the question were what you shall do with the contraliand vessel. You must take or send her into a convenient port, and subject her to a judicial prosecution there in admirality, which will try and decide the ques-tions of belligerency, neutrality, contraband and capture. So, again, you would promptly and the same answer if the question were, What is the manner of proceeding prescribed

by the law of nations in regard to the contra-band if it be property or things of material or

things which worked the forfeiture of the ves-

tion. The four persons before named were then foreibly taken out of the ship. A further de-foreibly taken out of the ship. A further de-mand was made that the Commander of the mand was made that the Commander of the Trent should proceed on board the San Jacinto, Trent should proceed on board the San Jacinto, courier from proceeding in his unlawful voyage as one transaction, one capture only, then it British Government has a right to expect the found to be corn meal and cayenne pepper.

captor himself, on the deck of the prize vessel. Very grave objections arise against such a The captor is armed, the nuetral is un contse. course. In captor is allied, de interfait is the armod. The captor is interested, prejudiced, and perhaps violent; the neutral, if truly neu-tral, is disinterested, subdued, and helpless. The tilbunal is irresponsible, while its judgment is carried into instant execution. The captured party is compelled to submit, though bound by no legal, moral, or treaty obligation to acquiesce. Reparation in distant and pro-blematical; and depends at last on the justice, magnanimity, or weakness of the State in whose behalf and by whose authority the capture was Out of these disputes reprisals and wars made. necessarily arise, and these are so frequent and destructive that it may well be doubted whether this form of remedy is not a greater social evil than all that could follow if the belliger ent right of search were universally renounced

and abolished forever. But carry the case one step farther. What if the State that has made the capture unreasonably refuse to hear the complaint of the neutral or to redress it? In that ase, the very act of capture would be an act of war-of war begun without notice, and possibly entirely without provocation.

I think all unprejudiced minds will agree tary. that, imperfect as the existing judicial remedy may be supposed to be, it would be, as a gene-ral practice, better to follow it than to adopt tion of the British Government? the captor, and relying upon diplomatic de-bates to review his decision. Practically, it is a question of choice between law, with its im- not made to the authorities of the captured perfections and delays, and war, with its evils vessels. If made known to them, they might

At the same time it is not to be denied that it may sometimes happen that the judicial remedy will become impossible, as by the shipwreck of the prize vessel, or other circumstances which excuse the captor from sending or taking her into; port for confiscation. In such a case the right of the captor to the custody of the

on our part, and without the knowledge of conditions or consent on her own. The question between Great Britain and ourselves would are really contraband, so as to defeat their un-lawful purposes, cannot reasonably be denied. be a question not of right of law, but of favor to be conceded by her to us in return for favors What rule shall be applied in such a case! shown by us to her, of the value of which fawhat rule shall be applied in such a case: of the control of the value of which fa-Clearly, the captor ought to be required to show shown by us to her, of the value of which fa-that the failure of the judicial remedy results from circumstances beyond his conttol, and without his fault. Otherwise he would be al-no thought of raising such a question in any

lowed to derive advantage from a wrongful act case.

In the present case, Capt. Wilkes, after cap-turing the contraband persons and making prize of the Trent in what seems to us a per-fectly lawful manuer, instead of sending her into port, released her from the canture and the set of the set Government has neither meditated, nor practic-But the question here concerns the mode of into port, released her from the capture, and ed, nor approved any deliberate wrong in the found adulterated with tumeric powder, whether procedure in regard, not to the vessel that was proceed with her whole cargo transaction to which they have called its at flour, and, in one instance, plaster of patis. arrying the contraband, nor yet to contraband ings which worked the forfeiture of the vessel the judicial examination which otherwise might harry and in the second tention is and, on the contrary, that what has been simply an inadvertency. The flour of mustard. These adulterations are the judicial examination which otherwise might happened has been simply an inadvertency, the flour of mustard. These adulterations are than have occurred. free from any wrongful motive; from a rule un-certainly established, and probably by the sev-

she was entitled.

LORD LYONS TO MR. SEWARD. WASHINGTON, Dec. 27, 1861.

have approved and taken one release, and the set of the the whole transaction, or they might have re-fused to accept the release woon that condition, which you did me the honor to address me yee-But the case is not one, with them, but with terday, in answer to Earl Russell's despatch of But the case is not one, with them, but with the day in answer to Earl Russell's despatch of but the case is not out international of the fields, in any other bar last, relative to the re-the British Government. If we claim that the 30th of November last, relative to the re-Great Britain ought not to insist that a judicial moval of Mr. Mason, Mr. Slidell, Mr. Macfar-trial has been lost because we voluntarily re-land and Mr. Eustis from the British mail packtrial has been lost because we voluntarily reeased the offending vessel out of consideration et Trent.

reased the offenting vessel out of consideration et frent. for her innocent passengers, I do not see how I will, without any loss of time, forward to she is to be bound to acquiesce in the decision which was thus made by us without necessity which was thus made by us without necessity of the innocent communication which you have made to mė.

I will, also, without delay do myself the honor to confer with you personally on the arrangements to be made for delivering the four gentlemen to me, in order that they may be again placed under the protection of the British

flag. I have the honor to be, with the highest consideration, sir, your most obedient humble sor-LYONS. vant.

ADULTERATIONS OF MUSTARD .--- In the London Lancet, for October 27th, is published the result of the analysis of thirty-three samples of mustard. Of these samples, twenty-nine were found adulterated with tumeric powder, wheat decidedly injurious. In our own country, no doubt, a like analysis would show a like disproportion between the pure and impure article, though the adulteration would be oftener